

**RULES
OF THE SENATE
70th Legislature
Regular Session
1987**

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RULE 14

A special order, the hour for the consideration of which has arrived, takes precedence of the unfinished business unless the unfinished business is itself a special order.

Notes of Rulings

An affirmative vote of two-thirds of all Senators present including those who ask to be recorded as "present-not voting" is required to set a special order (49 S.J. Reg. 427 (1945)).

The motion to set a bill for a special order is not a proper substitute for a motion to suspend the regular order of business and take up a bill for immediate consideration (50 S.J. Reg. 1005 (1947)).

A bill being considered as a special order that is laid on the table subject to call is no longer a special order (43 S.J. Reg. 980 (1933)).

Refusal of Senate to set bill as special order for a certain hour does not prevent a motion's being made and adopted immediately thereafter to set the bill as a special order for a different specified hour (45 S.J. Reg. 860 (1937)).

The Senate, by a two-thirds vote, may take up a bill out of its regular order for immediate consideration although there is an unfinished special order on the President's table awaiting the Senate's consideration (49 S.J. Reg. 1053 (1945)).

When the business before the Senate is a special order, the order of business may be suspended in order to consider other business (61 S.J. Reg. 2034 (1969)).

LOCAL AND UNCONTESTED CALENDAR

14.1. (a) At times designated by the Senate, the Senate shall meet in session to consider local and uncontested bills and resolutions listed on a calendar certified by the Administration Committee.

(b) The committee may not consider a bill or resolution for placement on the calendar unless

(1) the sponsor of the legislation applies for the placement and submits 14 copies of the bill or resolution to the committee; and

(2) the chair of the standing committee from which the bill or resolution was reported submits a written request for the placement on the calendar.

The committee may set a time after which applications for a place on the calendar may not be accepted.

(c) The committee may not place a bill or resolution on the calendar if it

(1) creates a new department or subdivision of a department, unless the bill or resolution is purely local in nature and does not require the expenditure of state funds;

RULE 32

(4) to postpone or change the order of business;

(5) to rescind or amend any rule of the Senate.

(b) A Senate rule may be suspended by a vote of two-thirds of the members present unless the rule specifies a different majority.

(c) A vote of two-thirds of the members present shall be required for the confirmation of any appointee of the Governor, unless otherwise directed by law (Constitution, Article IV, Section 12).

Historical Notes

The following rule was adopted by the Senate in 1911 (32 S.J. Reg. 790): "Rule 61a. It shall only require a majority vote of all Senators present to suspend pending business for the purpose of taking up and considering Senate Bill No. 1 and House Bill No. 226, any other rule or order to the contrary notwithstanding."

Rule 63 as adopted at the regular session in 1911 read as follows: "Any rule or order of the Senate may be rescinded by a majority vote of all members elected"

The following rule of the preceding legislature was eliminated from the 1911 Senate rules: "No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor."

The following is the text of the old rule on rescinding, which was adopted by the Senate of the 34th Legislature:

"(64) Any rule, order or act of the Senate may be rescinded or changed by a two-thirds vote of all Members present, except where otherwise provided by the Constitution or the laws" (34 S.J. Reg. 977 (1915)).

The rule was later amended to require two-thirds of all members to rescind or change a rule, and in 1939 the item (5) above was inserted in lieu of the old Rule 64.

Note of Ruling

Pending consideration of a conference report, a motion to suspend its consideration and take up a Senate bill for immediate consideration is in order. The motion is divisible, since it involves the suspension of Rule 26 (now Rule 16) and also of Rule 13 (now Rule 12), 61st Leg. (51 S.J. Reg. 1555 (1949)).

Editorial Note

This ruling and other late Senate precedents relative to suspending a pending question for the purpose of taking up another indicate that it has become the prevailing opinion of the Senate's presiding officers and its members that any pending debatable question, even a highly privileged one or one with high priority for consideration, may be suspended by a

RULE 16.07

on the President's table for immediate consideration. Suspending a question that has itself been taken up under a suspension would most likely not be permitted.

MATTERS REQUIRING VOTE OF MAJORITY OF MEMBERS OF SENATE

Rule 16.07. A vote of the majority of the members of the Senate is required to:

- (1) pass a resolution initially adopting temporary or permanent rules of the Senate; Rule 21.01 (Former Rule 32.1)
- (2) adopt, amend, or rescind the Joint Rules of the two Houses; Rules 21.02 and 22.02 (Former Rule 32.1)
- (3) adopt concurrent resolution to suspend conference committee rules; Rule 12.08 (Former Rule 96)
- (4) commit or recommit bill, resolution, or petition to a committee; Rule 6.08 (Former Rule 92)
- (5) hold an executive session. Rule 15.02 (Former Rule 41)

MATTERS REQUIRING VOTE OF MAJORITY OF MEMBERS PRESENT

Rule 16.08. A vote of the majority of members present shall be required to:

- (1) elect officers; Rule 1.05 (Former Rule 35)
- (2) elect a member to preside; Rule 1.01 (Former Rule 5)
- (3) remove a member from the chair; Rule 4.08 (Former Rule 53)
- (4) pass a bill on second reading; Rule 7.18 (Former Rule 71)
- (5) pass a bill on third reading, except to give immediate effect to the bill as required by Rule 7.19;
- (6) adopt an amendment on second reading;
- (7) adopt a motion to reconsider vote; Rules 6.10 and 6.11 (Former Rules 23 and 24)
- (8) suspense with reading of papers; Rule 6.13 (Former Rule 25)
See note to Rule 6.13.
- (9) debate a congratulatory, memorial, or courtesy resolution; Rule 8.03 (Former Rule 79) See note to Rule 8.03.
- (10) adopt a motion for previous question, after five seconds; Rule 6.09 (Former Rule 51) See note to Rule 6.09.
- (11) adopt a motion for immediate ruling, after 10 seconds; Rule 6.12 (Former Rule 52) See note to Rule 6.12.